

Application No.: 10/630,518  
Response to Final Office Action of 4/17/06

4

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AUG 16 2006

Docket No.: 532792001100

### REMARKS

Claims 8, 10-14, and 16-21 were pending in the present application. In the final office action mailed on April 17, 2006, the Examiner rejected claims 8, 10, 12-14, 16, 17 and 19-21, and objected to claims 11 and 18 as being dependent upon a rejected base claim. An amendment to claim 8 is proposed, and claims 11 and 18 are hereby cancelled. Applicants respectfully request that the Examiner enter the proposed amendment as it places the claims in condition for allowance or in better condition for appeal. Support for the amendment to claim 8 is found on page 9 of the specification as filed. Upon entry of this amendment, claims 8, 10, 12-14, 16, 17 and 19-21 will be pending. Applicants request consideration of the pending claims in view of the following remarks.

The Examiner stated in his Office Action that claims 11 and 18 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Applicants have incorporated the sequence limitation of claim 11 into independent claim 8. The other pending claims depend from claim 8, so Applicants contend all the pending claims are now in condition for allowance.

### Claim Rejections – 35 USC §112

#### *Indefiniteness*

The Examiner has rejected claims 8, 10, 12-14, 16-17, and 19-21 as being indefinite. Applicants respectfully traverse the Examiner's rejection and its supporting statements. However, in order to facilitate prosecution in this case applicants have amended the pending claims, without prejudice or disclaimer, to include SEQ ID NO:1 in the independent claim. The amendments to claim 8 incorporate the sequence limitation of claim 11, SEQ ID NO:1. The Examiner stated: "Amendment of the claim to refer to a specific SEQ ID NO would obviate this rejection." Therefore, Applicants request entry of these amendments and withdrawal of this ground of rejection.

sf-2142173

Application No.: 10/630,518  
Response to Final Office Action of 4/17/06

5

Docket No.: 532792001100

*Written Description*

The Examiner has maintained his rejection against claims 8, 10, and 12-14, and rejected claims 16-17 and 19-21 as allegedly failing to comply with the written description requirement, more specifically as allegedly containing subject matter which was not described in the specification in such a way as to convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse the Examiner's rejection and its supporting statements. However, in order to facilitate prosecution in this case applicants have amended the pending claims, without prejudice or disclaimer, to include SEQ ID NO:1 in the independent claims 8. Applicants hereby submit amendments to claim 8 which add the limitation: "wherein said *NEVERSHED* gene comprises the nucleotide sequence of SEQ ID NO:1." Applicants submit that the written description requirement has been fulfilled for claim 8 as amended, as well as for dependent claims 10, 12-14, 16-17 and 19-21. Therefore, Applicants request entry of these amendments and withdrawal of this ground of rejection.

*Scope of Enablement*

The Examiner has maintained his rejection against claims 8, 10, 12-14 and rejected claims 16-17 and 19-21 because the specification allegedly does not provide enablement for a method of preventing organ loss in any plant comprising mutating the ARF GAP domain of any gene in said plant. Applicants respectfully traverse the Examiner's rejection and its supporting statements. However, in order to facilitate prosecution in this case applicants have amended the pending claims, without prejudice or disclaimer, to include SEQ ID NO:1 in independent claim 8. The Examiner stated that the specification *is* enabling "for a method of preventing organ loss in a plant...wherein nucleotide sequence of said gene comprises SEQ ID NO:1." Applicants hereby submit amendments to claim 8 which add this limitation. Applicants submit that the enablement requirement has been fulfilled for claim 8 as amended, as well as for dependent claims 10, 12-14, 16-17 and 19-21. Therefore, Applicants request entry of these amendments and withdrawal of this ground of rejection.

sf-2142173

Application No.: 10/630,518  
Response to Final Office Action of 4/17/06

6

Docket No.: 532792001100

*Claims free of the Prior Art*

Applicants thank the Examiner for stating that claims 8, 10-14, 16-21 are deemed free of the prior art.

*Claim Objections*

The Examiner objected to claims 11 and 18, but this objection is moot due to the cancellation of these claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 532792001100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 16, 2006

Respectfully submitted,

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sf-2142173